IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.1198 of 1998

Shri Vishnu Laxman Raut — Petitioner
Vs.
Smt.Gajarabai T. Raskar & ors. — Respondents

Ms.Smita Mane h/f. Mr.P.B.Shah for petitioner.
Mr.P.J.Shinde for respondent nos.1A to 1D.

CORAM: B.H.MARLAPALLE,J.

June 05, 2006.

P.C.

. Heard Mrs.Mane, the learned counsel for the petitioner who is the original landlord. The respondents are the LRs of the original tenant - Laxman Genu. Proceedings under Section 32G of the Bombay Tenancy and Agricultural Lands Act, 1948 were initiated and the Tahsildar fixed the purchase price of the tenanted land at Rs.4856.75. The order passed by the Tahsildar was challenged in an appeal before the SDO, Mahabaleshwar and the said appeal was dismissed on 17/9/1984. The landlord's revision application was filed belatedly but it came to be allowed with an order of remand for a fresh enquiry by the Tahsildar on the following issues:

(a) Whether there was evidence on record to show that the suit land was regranted to the landlord or any other person on any date.

(b) Whether public notice was issued.

(c) Whether individual notices were issued to permanent tenants whose names were on record.

(d) The Opponent No.1 had not made her mother party to the application.

(e) To ascertain price of two trees, if any from the land.

. On remand the Tahsildar caused fresh enquiry and passed order on 15/2/1990 and it was dismissed. Therefore, appeal was moved before the S.D.O. i.e Tenancy Appeal No.87 of 1990 and it was dismissed. The landlord, therefore, filed Revision Application on 14/5/1991 and it came to be listed as Revision Application No.3 of 1991. The MRT was pleased to reject the revision application by the impugned judgment and order dated 16/8/1997 and hence this petition.

. On going through the MRT record, it appears that the said land was of Class II Inam i.e. personal Inam and there is no provision under the Bombay Personal Inam Abolition Act for vesting the land in the Government and, therefore, the question of re-grant of the land did not arise. On the issue of the public notice it was noticed that the same was duly complied with. The MRT also noticed that the

parties concerned were served with the notices and the Tahsildar had taken due procedural steps. The record further indicated that there was only one tree in the suit land.

. A finding is recorded by the SDO that as on 1/4/1957 the original applicant's father was the tenant and, therefore, the application filed under Section 32G for fixing the purchase price was rightly decided. The concurrent findings recorded by the lower Appellate Authority as well as the Revisional Authority do not call for interference under the supervisory powers of this Court under Article 227 of the Constitution as the said findings do not suffer from any errors apparent on the face of the record.

. Consequently the petition is rejected summarily.

(B.H.MARLAPALLE,J.)